

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

MERLE T. RUTLEDGE, JR.,	)	
	)	4:10CV00035
Plaintiff	)	
	)	<b>ORDER</b>
v.	)	
	)	
TOWN OF CHATHAM, ET AL.	)	By: Jackson L. Kiser
	)	Senior United States District Judge
Defendants	)	

Before me are Defendant Officer Nathan Roach's Motion to Dismiss and Plaintiff Merle Rutledge, Jr.'s Motion to Amend. Mot. to Dismiss, Sept. 29. 2010, ECF No. 33; Mot. to Amend, Oct. 27, 2010, ECF No. 52. A Roseboro notice was mailed to the pro se Plaintiff on September 30<sup>th</sup>, 2010. Roseboro Notice, Sept. 30, 2010, ECF No. 39. The Court conducted a hearing on these two motions on November 16<sup>th</sup>, 2010. For the reasons explained in the Memorandum Opinion that accompanies this Order, the Plaintiff's Motion to Amend is **DENIED** and the Defendant's Motion to Dismiss is **GRANTED**. The dismissal is **WITH PREJUDICE**.

Entered this 18<sup>th</sup> day of November, 2010.

s/Jackson L. Kiser  
Senior United States District Judge